



## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of : Donald R. Youell, Jr., et al.  
Serial No. : 09/865,229  
Filed: : May 25, 2001  
For: : Automobile Part Shipping System and Method  
TC/AU : 3721  
Examiner : Paul R. Durand  
Attorney Docket No. : ACP 2-021

HONORABLE COMMISSIONER FOR PATENTS  
MAIL STOP PETITIONS  
P.O. BOX 1450  
ALEXANDRIA, VA 22313-1450

### SUPPLEMENTAL PETITION TO REVIVE UNDER 37 C.F.R. § 1.137(a) or ALTERNATIVELY UNDER 37 C.F.R. § 1.137(b)

Sir:

Applicant renews its Petition to Revive and expressly incorporates by reference all of the materials that accompanied its Petition to Revive filed on April 14, 2008.

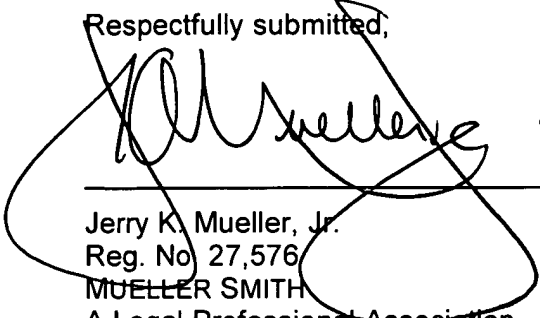
The Decision on Petition requires Applicant to overcome the presumption that it received the Office's communications "by a showing that the Office actions were not in fact received." It seems that the Office is advancing the infallibility of the U.S. Postal Service, which is an untenable position. The undersigned's declaration previously submitted states that he is responsible to open all mail and to docket all dates based on Office communications. Another attorney was responsible for this application. Thus, the undersigned pulled the file and failed to find any copy of the Board's decision or the notice of abandonment. He also looked at the firm's computerized docketing system, which did not contain any entry with respect to either the Board's decision or the notice of abandonment. Applicant submits that this declaration is a "showing that the Office actions were not in fact received" and renews its Petition to revive.

The action desired to be taken by Applicant is the filing of a divisional application directed to the withdrawn claims. Such filing accompanies this Supplemental Petition.

Accordingly, favorable action on this Petition is respectfully requested.

Date: 28 August 2008

Respectfully submitted,



Jerry K. Mueller, Jr.  
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A Legal Professional Association  
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Certificate of Mailing

I hereby certify that this correspondence is being deposited on August 28, 2008, with the United States Postal Service as first class mail in an envelope addressed to:

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Commissioner for Patents  
P.O. Box 1450  
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Jane Keeney



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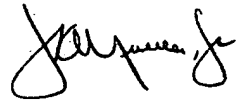
**DECLARATION IN SUPPORT OF PETITION TO REVIVE UNDER 37 C.F.R. § 1.137(a)**  
**or ALTERNATIVELY UNDER 37 C.F.R. § 1.137(b)**

Declarant, Jerry K. Mueller, Jr., does declare and state that:

1. He is attorney of record for Applicants in the above-identified application;
2. He is responsible for and does open all mail received by his law firm, Mueller Smith, A Legal Professional Association;
3. He was reminded by Applicant on April 10 that the application was still pending;
4. He logged onto Private Pair on April 10 and discovered that the Board's decision had been rendered on August 10, 2007 and that a notice of abandonment subsequently had been mailed on October 25, 2007;
5. He then reviewed the firm's file on the application and discovered that it did not contain the Board's decision or the notice of abandonment;
6. He then looked at the firm's database and learned that no docketing information on the Board's decision or the notice of abandonment was contained therein;
7. He also has no memory of receiving the Board's decision or the notice of abandonment;
8. Therefor, he states that the firm did not receive the Board's decision or the notice of abandonment;
9. All statements made herein of her own knowledge are true and all statements made on information and belief are believed to be true, and further that these

statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing therefrom.

FURTHER DECLARANT SAYETH NAUGHT.

A handwritten signature in black ink, appearing to be "J. P. Jones, Jr.", written above a horizontal line.

Date: 14 April 2008



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**PETITION TO REVIVE UNDER 37 C.F.R. § 1.137(a) or**  
**ALTERNATIVELY UNDER 37 C.F.R. § 1.137(b)**

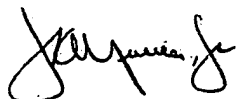
Sir:

Applicants hereby petition to revive the above-identified application under 37 C.F.R. § 1.137(a). The undersigned only learned on 10 April 2008 that the decision by the Board of Patent Appeals and Interferences (the "Board") issued a decision on Applicant's appeal having a decision date of August 10, 2007. Neither the Board's decision nor subsequent Notice of Abandonment were received by the undersigned. A declaration by the undersigned in support of this petition is attached to this petition. Specifically, the undersigned states that he is responsible for and does open all mail received by his law firm and is responsible for and does enter all docketing information (due dates) on the firm's proprietary database. The undersigned states that neither the Board's decision nor subsequent Notice of Abandonment were received by the firm, neither are found in the firm's file for this application, and no docketing dates were entered on the firm's database. Thus, neither the undersigned nor his firm received the Board's decision or subsequent Notice of Abandonment. Thus, the need for this petition so that Applicant can decide on filing a divisional application, a continuing application, or such other action, as is appropriate.

If the petition under § 1.137(a) is not granted, Applicant hereby petitions to revive the above-identified application under 37 C.F.R. § 1.137(b). The requisite fee of \$770

under 37 C.F.R. § 1.17(m) can be charged against the undersigned's deposit account.  
A duplicate copy of this petition is enclosed for that purpose.

Respectfully submitted,



Date: 14 April 2008

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